

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 32 entitled “An act relating to ranked-choice voting for presidential
4 primary elections” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Opt-in Ranked-Choice Voting System for Town, Cities,
8 and Villages * * *

9 Sec. 1. 17 V.S.A. chapter 55, subchapter 4 is added to read:

10 Subchapter 4. Ranked-Choice Voting

11 § 2691a. DEFINITIONS

12 As used in this subchapter:

13 (1) “Active candidate” means a candidate who has not been eliminated
14 and who is not a withdrawn candidate.

15 (2) “By lot” means a method, determined by the Secretary of State, for
16 randomly choosing between two or more active candidates.

17 (3) “Highest-ranked active candidate” means the active candidate
18 assigned a higher ranking than any other active candidate.

19 (4) “Inactive ballots” means ballots that do not count as votes for any
20 candidate due to one or more of the reasons listed in subdivision 2691d(c)(2)
21 of this title.

1 (5) “Overvote” means an instance in which a voter assigned the same
2 ranking to more than one candidate.

3 (6) “Ranking” means the number available to be assigned by a voter to a
4 candidate to express the voter’s choice for that candidate. The number “1” is
5 the highest ranking, followed by “2” and then “3” and so on.

6 (7) “Round” means an instance of the sequence of voting tabulation in
7 accordance with section 2691d of this title.

8 (8) “Skipped ranking” means a voter does not assign a certain available
9 ranking to any candidate but does assign a subsequent available ranking to a
10 candidate.

11 (9) “Undervote” means a ballot on which a voter does not assign any
12 ranking to any candidate in a particular contest.

13 (10) “Withdrawn candidate” means any candidate who has submitted a
14 declaration of withdrawal in writing to the presiding officer, the effectiveness
15 of which begins when filed with the presiding officer.

16 § 2691b. RANKED-CHOICE VOTING SYSTEM; APPLICATION

17 (a) Application. Unless otherwise specified by State law, the provisions of
18 the ranked-choice voting system described in this subchapter shall not apply to
19 the election of a candidate running for an office in a town, city, or village
20 unless that town, city, or village votes, at its annual meeting or at a special
21 meeting called for that purpose, to have those provisions apply, or if the

1 legislative body of that town, city, or village authorizes to have those
2 provisions apply.

3 (b) Duration. Once a town, city, or village votes to adopt the ranked-choice
4 voting system described in this subchapter, this ranked-choice voting system
5 shall be used in that manner until:

6 (1) the town, city, or village votes to discontinue use of the system; or

7 (2) the legislative body of that town, city, or village decides to
8 discontinue use of the system.

9 (c) Australian ballot system. In order to begin using a ranked-choice
10 voting system, a town, city, or village must be using the Australian ballot
11 system, pursuant to section 2680 of this title, at the time of an election using a
12 ranked-choice voting system.

13 § 2691c. RANKED-CHOICE VOTING SYSTEM; BALLOTS

14 (a) Form of ballot. Notwithstanding any contrary provisions in section
15 2681a of this title, a ballot for an election using the ranked-choice system in a
16 town, city, or village shall allow voters to rank candidates in order of ordinal
17 preference.

18 (1) The names of all candidates on the ballot shall be listed in
19 alphabetical order.

20 (2) The ballot shall allow voters to assign rankings to candidates that are
21 equal to the number of printed candidate names and blank write-in lines.

1 (b) Assigned ranking. A ballot assigning a candidate a lower ordinal
2 preference shall be considered to have assigned a higher ranking to that
3 candidate than to a candidate who was assigned a higher ordinal preference. A
4 ballot assigning a candidate with the highest ordinal rank shall be considered to
5 have designated that candidate as the lowest-ranked candidate on that ballot
6 and the voter’s last-ranked preference.

7 § 2691d. RANKED-CHOICE VOTING TABULATION; HARE RULE

8 (a) Tabulation rounds. In any election of a candidate running for an office
9 in a town, city, or village, each ballot shall count as one vote for the highest-
10 ranked active candidate on that ballot. Tabulation shall proceed in rounds, as
11 follows:

12 (1) Elections with one winner.

13 (A) If there are two or fewer active candidates, then tabulation is
14 complete, and the candidate with the most votes is declared the winner of the
15 election.

16 (B) If there are more than two active candidates, the active candidate
17 with the fewest votes is eliminated, the votes for the eliminated candidate are
18 transferred to each ballot’s next-ranked active candidate, and a new round
19 begins.

20 (2) Elections with multiple winners.

1 (A) If the number of active candidates is equal to or less than the
2 number of seats available, then tabulation is complete, and the candidates with
3 the most votes are declared the winners of the election.

4 (B) If there are more active candidates than the number of seats
5 available, the active candidate with the fewest votes is eliminated, the votes for
6 the eliminated candidate are transferred to each ballot's next-ranked active
7 candidate, and a new round begins.

8 (3) Ties.

9 (A) If there is a tie between two active candidates with the fewest
10 votes, the tie shall be resolved by lot to determine which candidate is defeated.
11 The result of the tie resolution must be recorded and reused in the event of a
12 recount.

13 (B) If there is a tie between the final active candidates, the presiding
14 officer shall notify each active candidate involved in the tie, or the candidate's
15 designee, to be present at the presiding officer's office or at the polling place at
16 a certain time. At that time, the presiding officer shall select the winner of the
17 tabulation by lot.

18 (b) Withdrawn candidates. Ranking orders containing withdrawn
19 candidates shall be treated the same as ranking orders containing candidates
20 who have been eliminated from tabulation.

21 (c) Inactive ballots and undervotes.

1 (1) In any round of tabulation, an inactive ballot does not count for any
2 candidate and is not considered a vote for the purposes of determining which
3 active candidate has the majority of the active votes in the final round of
4 tabulation pursuant to subsection (a) of this section.

5 (2) A ballot is an inactive ballot if any of the following is true:

6 (A) The ballot does not rank any active candidates and is not an
7 undervote.

8 (B) The ballot has reached an overvote.

9 (C) The ballot has reached two consecutive skipped rankings.

10 (3) An undervote does not count as either an active or inactive ballot in
11 any round of tabulation.

12 § 2691e. RANKED-CHOICE VOTING RESULTS REPORTING

13 In addition to any other information required by law to be reported with
14 final results, the following shall be made public:

15 (1) the total number of votes each candidate received in each round of the
16 official tabulation, including votes for withdrawn candidates; and

17 (2) the total number of ballots that became inactive in each round because
18 they did not contain any active candidates, reached an overvote, or reached two
19 consecutive skipped rankings, reported as separate figures.

20 § 2691f. MUNICIPAL ORDINANCES

1 (4) one designee, appointed by the Vermont Municipal Clerks' and
2 Treasurers' Association;

3 (5) one designee, appointed by the Vermont League of Cities and
4 Towns;

5 (6) a member of an organization focused on the conduct of elections,
6 who shall be appointed by the Speaker of the House; and

7 (7) a member of a different organization focused on the conduct of
8 elections, who shall be appointed by the Senate Committee on Committees.

9 (c) Powers and duties. The Ranked-Choice Voting Study Committee shall
10 study ranked-choice voting systems with the goals of having recommendations
11 implemented for elections occurring in 2026, including the following issues:

12 (1) education of voters;

13 (2) training of town clerks, presiding officers, and election staff;

14 (3) election integrity, security, and transportation of ballots;

15 (4) technological requirements in tabulators, hardware, and software;

16 and

17 (5) post-election processes and reporting.

18 (d) Assistance. The Ranked-Choice Voting Study Committee shall have
19 the administrative, technical, and legal assistance of [to be determined].

20 (e) Report. On or before January 15, 2024, the Ranked-Choice Voting
21 Study Committee shall report to the House Committee on Government

1 Operations and Military Affairs and the Senate Committee on Government
2 Operations with its findings and any recommendations for legislative action.

3 (f) Meetings.

4 (1) A member of the House of Representatives designated by the
5 Speaker of the House shall call the first meeting of the Ranked-Choice Voting
6 Study Committee to occur on or before July 1, 2023.

7 (2) The Ranked-Choice Voting Study Committee shall select a chair
8 from among its members at the first meeting.

9 (3) A majority of the members of the Ranked-Choice Voting Study
10 Committee shall constitute a quorum.

11 (4) The Ranked-Choice Voting Study Committee shall cease to exist on
12 November 1, 2024.

13 (g) Compensation and reimbursement.

14 (1) For attendance at meetings during adjournment of the General
15 Assembly, a legislative member of the Ranked-Choice Voting Study
16 Committee serving in the legislator's capacity as a legislator shall be entitled to
17 per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
18 § 23 for not more than four meetings. These payments shall be made from
19 monies appropriated to the General Assembly.

20 (2) Other members of the Ranked-Choice Voting Study Committee who
21 are not paid for their services by the organization for which the member is

1 representing on the Ranked-Choice Voting Study Committee shall be entitled
2 to per diem compensation as permitted under 32 V.S.A. § 1010 for not more
3 than four meetings. These payments shall be made from monies appropriated
4 to the Office of the Secretary of State.

5 (h) Appropriation. The sum of \$1,000.00 is appropriated to the Office of
6 the Secretary of State from the General Fund in fiscal year 2024 for per diem
7 compensation for members of the Committee.

8 * * * Ranked-Choice Voting for Presidential Primary Elections * * *

9 Sec. 6. REDESIGNATION

10 17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

11 Sec. 7. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

12 Subchapter 1. Presidential Primary

13 § 2700. DEFINITIONS

14 As used in this subchapter:

15 (1) “Active candidate” means a candidate who has not been eliminated
16 and who is not a withdrawn candidate as set forth in subdivision (12) of this
17 section.

18 (2) “By lot” means a method, determined by the Secretary of State, for
19 randomly choosing between two or more active candidates.

20 (3) “Highest-ranked active candidate” means the active candidate
21 assigned a higher ranking than any other active candidate.

1 (4) “Inactive ballots” means ballots that do not count as votes for any
2 candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of
3 this title.

4 (5) “Major political party” has the same meaning as in subdivision
5 2103(23)(A) of this title.

6 (6) “Overvote” means an instance in which a voter assigned the same
7 ranking to more than one candidate.

8 (7) “Ranking” means the number available to be assigned by a voter to a
9 candidate to express the voter’s choice for that candidate. The number “1” is
10 the highest ranking, followed by “2,” and then “3,” and so on.

11 (8) “Round” means an instance of the sequence of voting tabulation in
12 accordance with section 2706 of this title.

13 (9) “Skipped ranking” means a voter does not assign a certain available
14 ranking to any candidate but does assign a subsequent available ranking to a
15 candidate.

16 (10) “Threshold for receiving delegates” means the number of votes
17 necessary for a candidate to receive delegates in a presidential primary election
18 conducted in accordance with subdivision 2705(a)(2) of this title.

19 (11) “Undervote” means a ballot on which a voter does not assign any
20 ranking to any candidate in a particular contest.

1 (1) The ballot shall allow voters to rank candidates in order of choice.
2 The names of all candidates on the ballot shall be listed in alphabetical order.
3 ~~Each voter may vote for one candidate for the presidential nomination of one~~
4 ~~party, either by placing a mark opposite the printed name of a candidate as in~~
5 ~~other primaries, or by writing in the name of the candidate of the voter's~~
6 ~~choice.~~

7 (2) The ballot shall allow voters to assign rankings to candidates that are
8 equal to the number of printed candidate names and blank write-in lines,
9 except to the extent established by the Secretary pursuant to section 2709 of
10 this title.

11 § 2705. TYPE OF RANKED-CHOICE VOTING

12 (a) At least 150 days before the date of the presidential primary election,
13 the State committee of each major political party shall confirm in writing with
14 the Secretary of State whether the party will award delegates either:

15 (1) on a winner-take-all basis in accordance with subsection 2706(d) of
16 this title; or

17 (2) on a proportional basis in accordance with subsection 2706(e) of this
18 title, in which case the party shall also indicate the applicable threshold or
19 thresholds for receiving delegates.

20 (b) If a party fails to provide notice, or its notice does not specify how the
21 party will award its delegates, the presidential primary election for that party

1 shall be tabulated on a winner-take-all basis in accordance with subsection
2 2706(d) of this title.

3 (c) At least 120 days before the date of the presidential primary election,
4 the Secretary of State shall confirm with the State committee of each political
5 party that the State is capable of implementing the party's preferences as
6 declared under subsection (a) of this section or shall notify the State committee
7 of any feasibility constraints that could prevent the State from implementing
8 the party's preferences.

9 § 2706. RANKED-CHOICE VOTING TABULATION

10 (a) Tabulation rounds. In any presidential primary election for a major
11 political party, each ballot shall count as one vote for the highest-ranked active
12 candidate on that ballot. Tabulation shall proceed in rounds. Each round
13 proceeds sequentially as described in subsection (d) or (e) of this section, as
14 applicable.

15 (b) Withdrawn candidates. Ranking orders containing withdrawn
16 candidates shall be treated the same as ranking orders containing candidates
17 who have been eliminated from tabulation.

18 (c) Inactive ballots and undervotes.

19 (1) In any round of tabulation, an inactive ballot does not count for any
20 candidate and is not considered a vote for the purposes of determining either
21 which active candidate has majority of the active votes in the final round of

1 tabulation pursuant to subsection (d) of this section or which active candidates
2 possess a vote total above the threshold for receiving delegates pursuant to
3 subsection (e) of this section.

4 (2) A ballot is an inactive ballot if any of the following is true:

5 (A) The ballot does not rank any active candidates and is not an
6 undervote.

7 (B) The ballot has reached an overvote.

8 (C) The ballot has reached two consecutive skipped rankings.

9 (3) An undervote does not count as either an active or inactive ballot in
10 any round of tabulation.

11 (d) Award of delegates on winner-take-all basis. If a major political party
12 awards all of the State’s delegates to a single candidate on a winner-take-all
13 basis, tabulation shall proceed as follows:

14 (1) If there are two or fewer active candidates, then tabulation is
15 complete and the candidate with the most votes is declared the winner of the
16 election.

17 (2) If there are more than two active candidates, the active candidate
18 with the fewest votes is eliminated, the votes for the eliminated candidate are
19 transferred to each ballot’s next-ranked active candidate, and a new round
20 begins.

1 (3) If there is a tie between two active candidates with the fewest votes,
2 the tie shall be resolved by lot to determine which candidate is defeated. The
3 result of the tie resolution must be recorded and reused in the event of a
4 recount.

5 (4) If there is a tie between the final two active candidates, the Secretary
6 of State shall notify each active candidate involved in the tie, or the candidate's
7 designee, to be present at the Secretary of State's office at a certain time. At
8 that time, the Secretary of State shall select the winner of the tabulation by lot.

9 (e) Award of delegates on proportional basis. If a major political party
10 awards the State's delegates to multiple candidates on a proportional basis,
11 tabulation shall proceed as follows:

12 (1) If the vote total of every active candidate is above the threshold for
13 receiving delegates as confirmed by the major political party pursuant to
14 subdivision 2705(a)(2) of this title, then tabulation is complete.

15 (2) If any active candidate is below the threshold for receiving
16 delegates, then the active candidate with the fewest votes is eliminated, votes
17 for the eliminated candidate are transferred to each ballot's next-ranked active
18 candidate, and a new round begins.

19 (3) If there is a tie between two active candidates with the fewest votes
20 and tabulation is not yet complete, the tie shall be resolved by lot to determine

1 which candidate is defeated. The result of the tie resolution must be recorded
2 and reused in the event of a recount.

3 (f) Certification of tabulation rounds. The Secretary of State shall certify
4 the results of each round tabulated pursuant to subsection (d) or (e) of this
5 section, as applicable, along with any other information required under section
6 2707 of this title, to the State chairperson and the national committee of each
7 political party that had at least one candidate on the State-administered
8 presidential primary election ballot to allocate national delegate votes in
9 accordance with the party’s State and national rules.

10 (g) Nothing in this act shall be construed to preclude a political party from
11 allocating delegates according to its own rules for allocating such delegates.

12 § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

13 (a) Unofficial preliminary round-by-round results and unofficial
14 preliminary cast vote records shall be released as soon as feasible after the
15 polls close and at regular intervals thereafter until the counting of ballots is
16 complete.

17 (1) Unofficial preliminary round-by-round results shall be clearly
18 labeled as preliminary and, to the extent feasible, shall include the percent of
19 ballots counted to date.

20 (2) Unofficial preliminary cast vote records shall be:

1 (A) clearly labeled as preliminary and, to the extent feasible, shall
2 include the percent of ballots counted to date;

3 (B) published online in a publicly accessible, electronic format; and

4 (C) published in a manner consistent with the need to maintain voter
5 privacy.

6 (b) In addition to any other information required by law to be reported with
7 final results, the following shall be made public:

8 (1) the total number of votes each candidate received in each round
9 of the official tabulation, including votes for withdrawn candidates;

10 (2) the total number of ballots that became inactive in each round
11 because they did not contain any active candidates, reached an overvote, or
12 reached two consecutive skipped rankings, reported as separate figures; and

13 (3) the cast vote records in a publicly accessible, electronic format
14 and by district, published in a manner consistent with the need to maintain
15 voter privacy.

16 (c) If a major political party allocates delegates by geographical unit or
17 district, round-by-round results by geographical unit or district shall be made
18 public in addition to statewide results.

19 § 2708. CANVASSING COMMITTEE CERTIFICATES

20 When the canvassing committee provided for in section 2592 of this title
21 prepares its certificate of election for a presidential primary election for a

1 major political party, the canvass shall state the number of final round votes
2 received by each candidate who has received votes in the final round of
3 tabulation.

4 Sec. 8. 17 V.S.A. § 2709 is added to read:

5 § 2709. RULEMAKING

6 The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for
7 the proper and efficient administration of presidential primary elections,
8 including procedures for ensuring that voting tabulators, voting tabulator
9 memory cards, and related software are able to tabulate rank-choice voting
10 when necessary; procedures for ensuring that the number of rankings allowed
11 to voters be uniform across the State for any given contest, that the number of
12 rankings allowed in any given contest be the maximum number allowed by the
13 equipment, and that the number of rankings allowed be not fewer than three in
14 any event; procedures for the release of unofficial preliminary round-by-round
15 results and unofficial preliminary cast vote records; procedures for requesting
16 and conducting recounts of the results of presidential primary elections for
17 major candidates; and procedures for filing returns in accordance with
18 section 2588 of this title.

19 * * * Vote Tabulators; Returns * * *

20 Sec. 9. TALLY SHEETS; SUMMARY SHEETS; RETURNS

